

Guidance Policy on the use of CASA volunteers in Custody related cases

The use of CASA volunteers in Juvenile and Domestic Relations Court custody cases is an acceptable practice. Local programs should ensure that all cases will comply with the Code of Virginia, Section 9.1-151 (A) which states *“The Program shall provide services in accordance with this article to children who are subjects of judicial proceedings involving allegation that the child is abused, neglected, in need of services or in need of supervision, and for whom the juvenile and domestic relations district court judge determines such services are appropriate.”*

The definition of “allegation that the child is abused, neglected, in need of services or need of supervision” may include the following factors:

1. There is a past founded allegation of abuse or neglect which identifies a primary caregiver of the child as the perpetrator.
2. There is a current complaint which has been referred to or is being investigated by the local Department of Social Services.
3. There is information presented during the court proceeding which would indicate that the child may be abused or neglected, including emotional abuse.
4. The child appears to be in need of special services or supervision which are not currently being provided.

Local Programs are encouraged to develop written policies and protocols on the acceptance of CASA appointments to custody related cases. These policies and protocols should address the following issues:

1. What criteria the program will use to define what constitutes an “allegation of abuse or neglect”.
2. As identified in the Rules and Regulations governing CASA programs , policies should be in place which articulate the priority of acceptance of cases assigned to CASA volunteers.

Finally, local CASA programs must remain cognizant of funding sources which will not fund activities which are not related to abuse and neglect cases (i.e. VOCA funding will only fund cases which have an active DSS investigation or a finding of abuse and neglect). Programs must evaluate the numbers of children served and the ability of the program to fund such services.

CASA Advisory Committee Conclusions from January 14, 1999 meeting

1. The code is very specific and clear regarding the handling and filing of CASA reports (see Code of Virginia: § 16.1 – 274). CASA programs are advised to take steps to be in compliance with this law.
2. With regard to confidentiality and the sharing of information, the Advisory Committee cited the CASA Code section §9–173.11 which states: *An advocate shall not disclose the contents of any document or record to which he might become privy, **which is otherwise confidential pursuant to the provisions of the Code**, except upon order of a court of competent jurisdiction.* The language indicates that information can be shared with other parties who have access to that same information (i.e. DSS caseworker, GAL, Attorneys for other parties to the case).
3. While the filing of the actual report must adhere to Code section §16.1–274, the Advisory Committee advises that information contained in the report, including recommendations, can be shared with those individuals who have access to that information.
4. Further guidance is given with regard to substance abuse and mental health records. A signed release of information is required in order to share certain types of information related to these areas.
5. Finally, a CASA program pointed out that the appointment order for Guardian ad Litem states that GAL's have access to information and individuals, including the CASA volunteer. This would alleviate the concerns regarding the sharing of information with the GAL.

CASA/CJA Advisory Committee Guidance Policy on Courtesy Home Visits

CASA programs throughout Virginia are frequently asked to provide courtesy home visits to children who are placed in Virginia from other states. The CASA/CJA Advisory Committee has examined this issue and makes the following recommendations in an effort to provide local CASA programs with guidance regarding a response to such requests.

CASA Programs in Virginia are advised to decline requests for courtesy home visits. The interstate compact process, administered by the Virginia Department of Social Services, is the appropriate vehicle for accessing such a service. CASA volunteers/staff have no authority to investigate any matter other than those that have been assigned through the court of competent jurisdiction. Further, CASA staff and volunteers in Virginia cannot operate in an official capacity in any matter without a valid court order. There is considerable concern for the liability of CASA programs, volunteers and staff when engaging in the practice of providing such visits.

Resources

- The Virginia Department of Social Services has an Interstate Compact staff. The phone number for this office is 804-692-8037.

Approved: January 14, 1999

CASA/CJA Advisory Committee Guidance Document on the use of Transportation Policies in local CASA Programs

The CASA/CJA Advisory Committee was asked to further comment on the Transportation policy included in the Model Policies and Procedures for local CASA programs. This policy statement reads as follows:

C. Transportation

1. The CASA volunteer should only transport a child when there is liability insurance coverage for such activity. The local CASA program must have proof of this valid automobile insurance.

2. The volunteer must have permission of the person or agency which holds custody before transporting a child, as well as permission from the judge verifying that transportation is part of the volunteer's duties.

3. The local CASA program must check the volunteer's DMV record prior to the volunteer's assignment to a case that requires a child's transportation. The volunteer must also sign a release agreeing to inform the CASA program if there are changes to their driving record or termination of automobile insurance.

- The Advisory Committee commented that the policy appears to be complete and adequate as written.
- Several members offered a few suggestions for local programs to consider:
 1. Change the wording in #1 to: *The CASA volunteer should transport a child only when there is liability insurance coverage for such activity.*
 2. Change the wording in #3 to: The volunteer must also sign a contract agreeing to inform the CASA program if there are changes to their driving record or termination of automobile insurance. This change would place the burden on the volunteer to provide this information and would not require the program to do annual reviews and DMV checks.
 3. Include in the policy that volunteers agree to comply with all Virginia laws.
 4. Include language in the court order of appointment for a CASA that allows for the transportation of children and any limitations that may be in place.

Approved: January 14, 1999

CASA/CJA Advisory Committee Guidance Policy on the Use of CASA Volunteers in Circuit Court

The CASA/CJA Advisory Committee has examined the issue concerning the appointment of CASA volunteers in Circuit Court proceedings. A request was made to the Attorney General for an informal opinion on the matter. A response was received on July 15, 1999 and a copy is included with this document. The following guidance policy is recommended to local CASA programs in Virginia based upon the Attorney General's response:

CASES ON APPEAL FROM THE JUVENILE & DOMESTIC RELATIONS COURT

When cases are appealed from the Juvenile and Domestic Relations Court and are heard at the Circuit Court, CASA volunteers may be re-appointed. CASA programs are advised to accept the case only if a formal appointment has been made with a new court order that is signed by the Circuit Court judge.

CASES THAT ORIGINATE IN CIRCUIT COURT

CASA programs are advised to decline requests for appointments on cases that originate at the Circuit Court level. When children come to the attention of the Circuit Court and there are concerns for abuse and neglect, a referral should be made to the local department of social services for an investigation. If the case is brought to the attention of the Juvenile & Domestic Relations court, then CASA can appropriately be appointed.

Approved July 29, 1999



Commonwealth of Virginia

Department of Criminal Justice Services

TO: CASA Program Staff

FROM: Melissa O'Neill

DATE: March 29, 2000

RE: Confidentiality and Report Dissemination

On January 12, 2000 the CASA/CJA Advisory Committee met and discussed the issue that was brought up in the last Network meeting on December 8, 1999 concerning which parties CASA programs were allowed to share CASA reports with. The board reverted back to a previous guidance document that was written on January 14, 1999 (see enclosure).

The decision was made not to develop a separate policy statement because the issue of confidentiality is addressed in the Code (section 9-173.11). This section states that information can be shared with parties who have access to that same information. The Code (§16.1-274) does not allow for the actual, physical report to be shared with those parties.

It is the responsibility of the Clerk's office to disseminate reports once they are submitted. If a person who is involved in the case states that they have not received a copy of the report, a CASA representative may verbally share what was in that report, but is not allowed to give a copy of the report to anyone but the clerk. Further, copies of CASA reports that have been distributed are required to be returned to the clerk at the conclusion of the hearing.

If there are any further questions feel free to contact me.

CASA/CJA Advisory Committee Guidance Policy for Managing Staff Vacancies in CASA Programs

The regulations require that programs provide one FTE for every 25 volunteers actively assigned to cases. When a vacancy occurs in a program, particularly if it is sudden, this can be problematic for local programs. The following suggestions are offered to serve as a guide for local programs to manage this transition effectively and to maintain compliance with the regulations.

- In programs where there is only one staff person, the local program is encouraged to adopt a policy that requires a minimum of 30 days notice.
- Local programs are encouraged to establish procedures that will allow for an efficient and timely hiring process.
- If there is a vacancy and the hiring process does not get completed prior to the staff member's departure, the Executive Committee of the operating Board of Directors should consider the following options:
 1. Notify DCJS immediately of any pending staffing changes.
 2. If existing staff is insufficient to accommodate the need, cease to accept any new referrals.
 3. Explore the potential of recruiting a mature volunteer who could manage a portion of the supervisory responsibilities during the interim.
 4. Meet with the judge to discuss the status of the program, particularly the timeline for hiring a new staff member.
 5. If the program is structured under an umbrella agency, consider utilizing other staff members to serve on an interim basis.
 6. Request technical assistance from DCJS to assist in the hiring and/or training of a new staff member.
 7. Communicate with the volunteers on a regular basis and keep them informed of the programs status and plans.

Approved 4-12-00

CASA/CJA Advisory Committee Guidance Policy on The Ratio For Assignment of CASA Cases to Staff

There are instances when it is appropriate for a CASA staff member to serve as the assigned advocate to a particular case. The regulations do not address this issue with regard to the number of cases a CASA staff member should consider being assigned to. However, if a staff member is serving as the advocate on a significant number of the cases served by the program, then the program is not really functioning as a CASA program. It becomes another service agency and loses the unique quality that is inherent to the volunteer nature of CASA. The following guidance is therefore provided to local CASA programs to assist in managing this issue.

- Staff members should adhere to the same regulatory ratio requirement as volunteers, which is 3 children or two sibling groups - 6VAC 20-160-40(C)(1).
- Staff members who serve as CASA advocates for particular cases should NOT include their hours in volunteer hours which are calculated and reported each quarter and annually. (It is suggested that these actual case hours be tracked separately if the program has use for this statistic.)
- Staff who are functioning in the role of an advocate (paid or unpaid) should be counted and reported in the number of "active volunteers" for the purposes of staff to volunteer ratio calculations.

Approved: April 5, 2001

**CASA/CJA Guidance Policy on The Role of CASA Volunteers When
Termination of Parental Rights is Achieved
July 25, 2003**

Permanency in the lives of the children that CASA programs serve is a primary goal. CASA programs seek to ensure that children have the opportunity to grow up in safe, permanent homes. The CASA/CJA Advisory Committee has examined the issue of what the role of the CASA Volunteer should be once Termination of Parental Rights (TPR) is achieved. Many CASA programs close cases at this point in the process most often because of the lack of volunteers and the need to assign them to cases that are on a waiting list. Other programs strongly advocate that permanence is not achieved until the child's adoption is complete. Questions arise however, around what the role of the CASA Volunteer is during the adoption phase. After careful review of this issue, there is not a clear, "one size fits all" response for every case a CASA Volunteer will be assigned to. Each case will be different. First and foremost, the CASA Volunteer's continued appointment is a judicial decision. Once the judge has determined that CASA will continue to be appointed, the CASA program director will need to evaluate each case based on the unique needs and circumstances of that case. This being true, there are some general guidelines the Advisory Committee would like to offer to programs for consideration as they continue to serve on cases beyond TPR.

- When children are placed in adoptive homes, care and consideration should be given to the developmental needs of the child and the impact of continued involvement of the CASA Volunteer. At a time when the focus is on bonding and attachment with adoptive parents, the presence of the CASA Volunteer *may* indicate to the child continued instability. The role of the CASA Volunteer with the adoptive parents needs to be clear and it is not to "investigate or monitor" the adoptive parents home. Further, it is clearly the role of the Department of Social Services to identify and monitor adoptive placements.
- CASA Volunteers can assist in monitoring the filing of the Adoption Progress Reports, ensuring that they are properly completed every 6 months, and achieving the directives of the court.
- If it is in the child's best interest, CASA volunteers should continue to visit the children they are assigned as needed to facilitate closure. Depending upon the developmental needs and circumstances of the child, it may be best to reduce the number of visits so that the adoptive parents can begin to establish stability and permanency for the child.